

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LUIGI GIROTTO,

CASE NO: 1:21-cv-00500-MKV

Plaintiff,

vs.

ROTHY'S, INC., a Delaware corporation,
d/b/a ROTHY'S, and 407 BLEECKER
STREET LLC, a New York limited liability
company,

Defendants.

JOINT STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED by and between the Plaintiff, Luigi Girotto, and Defendant Rothy's, Inc. that:

1. Plaintiff hereby voluntarily strikes/withdraws sub-paragraphs (iv), (v) and (vi) of Paragraph 16, in Count I, of the Complaint [D.E. 1]. All other portions of the Complaint shall continue and remain, therein, as pleaded and alleged.
2. Defendant, Rothy's, Inc., hereby voluntarily withdraws its previous request regarding its filing of a Motion to Dismiss [D.E. 16], and further hereby agrees not to file a Motion to Dismiss the Complaint [D.E. 1] pursuant to Fed. R. Civ. P. 12(b)(6).

Dated: This 24th day of May, 2021.

By: /s/ B. Bradley Weitz

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SO ORDERED:

Hon. Mary Kay Vyskocil, U.S.D.J.